

UNITED STATES OF AMERICA)
)
v) No. EP:17-CR-04499(1)MAT
)
BIANCA NIEVE VASQUEZ-HERNANDEZ)

APPEARANCES:

*****NONE ANNOUNCED*****

Proceedings recorded by electronic recording.
Transcript produced by Rhonda McCay, CSR, RPR.

1 (Proceedings called to order)

2 THE COURT: Agents, please raise your right
3 hand.

4 (Agents sworn)

5 THE COURT: You may have a seat.

6 All right. Those of you that are using the
7 headsets that are being assisted by the interpreter, if
8 at any time during this hearing you have any trouble
9 with them, please get my attention or the interpreter's
10 attention right away so that we can take care of that
11 problem.

12 I'm Judge Torres. We're here to conduct your
13 initial appearance. At this hearing, I will advise you
14 of your rights, of the charges that you face, of the
15 possible maximum sentence that you face. I will give
16 you information regarding your attorney and date of your
17 next hearing.

18 I'm going to ask you to do me a favor. I know
19 you're a little bit nervous, but at least try not to
20 shake the chains. It's a little distracting, okay?

21 In some cases, I will set bond. In other
22 cases, I cannot set bond because the government has
23 filed a motion to have you detained in those cases. I
24 will set your case for a detention hearing at which you
25 can request a bond.

1 Now, I need to advise you of some important
2 rights at this time.

3 You do have the right to remain silent. You
4 don't have to answer any questions about your case.
5 Anything that you say can be used against you in
6 court.

7 Do you understand your right to remain silent?

8 You need to speak up.

9 (Some respond "Yes")

10 THE COURT: I'm going to ask you -- okay. I'm
11 going to speak in Spanish for a second. (Spanish).

12 Those of you being assisted by the court
13 interpreter, do you understand your right to remain
14 silent?

15 (All respond "Yes")

16 (Proceedings continued but are not made a part
17 of this record)

18 THE COURT: Now, you also have the right to a
19 lawyer. You can hire the attorney of your choice or I
20 will appoint a lawyer for you.

21 Do you understand that you have the right to
22 have a lawyer represent you?

23 (All respond "Yes")

24 (Proceedings continued but are not made a part
25 of this record)

1 THE COURT: All right. If you do not have the
2 money to hire a lawyer for you -- is there anybody here
3 who has already hired an attorney?

4 (Proceedings continued but are not made a part
5 of this record)

6 THE COURT: Anybody else who has hired an
7 attorney?

8 (No response)

9 THE COURT: All right. Then I will be
10 appointing a lawyer for all of you who cannot afford
11 one. I will be taking some financial information from
12 you in a few minutes just to determine whether or not
13 you do qualify or not.

14 I need to advise you of an additional right,
15 and this right applies to those you have who are not
16 citizens of the United States. If you are not a citizen
17 of the United States, you have the right to inform the
18 consulate of your home country, that is, the
19 representative of your home country here in the United
20 States -- the government representatives of your home
21 country here in the United States, that you've been
22 arrested.

23 You can make this request -- or, basically, you
24 can ask that your consulate be informed and you can ask
25 a federal law enforcement agent or a lawyer for the U.S.

1 government to notify your consulate if you wish.

2 Do all of you understand these consulate rights
3 that I've just explained?

4 (All respond "Yes")

5 (Proceedings continued but are not made a part
6 of this record)

7 THE COURT: All right. Now, some of you will
8 also have the right to a preliminary hearing to
9 determine if the government has enough evidence to hold
10 you to answer to the charges it is making against you.

11 With the exception of Mr. Herrera, the rest of
12 you are charged by a document called a criminal
13 complaint. This criminal complaint states the specific
14 law that you are alleged to have violated. It has the
15 time and date of your -- the alleged violation of the
16 law, and it also has a statement facts in support of
17 this allegation. This statement of facts is sworn to by
18 an agent involved in your case.

19 Okay. I'm required to tell you what the
20 charging document is that's being used to accuse you.

21 Now, I will speak to you individually and in
22 groups. Please stand up and say "Present" when I call
23 your name.

24 (Proceedings continued but are not made a part
25 of this record)

1 THE COURT: Bianca Nieve Vasquez-Hernandez?

2 THE DEFENDANT: Present.

3 THE COURT: Each of you is charged with the
4 misdemeanor offense of illegal entry into the United
5 States. This charge carries a possible sentence of
6 anywhere from no time in jail up to a maximum of six
7 months in jail, a fine of zero up to \$5,000 and a \$10
8 special assessment. Now, that is the possible maximum
9 sentence, all right?

10 In each your cases, I'm setting your next court
11 hearing for November 2nd at 9:30 in the morning. I'm
12 also setting bond at \$5,000 cash or corporate surety.

13 If either you have any intention of paying the
14 bond or having your family pay the bond, I would
15 strongly recommend that you speak to your attorney first
16 before you do so because your attorney may want to make
17 you aware of some facts that could impact your decision
18 as to whether you pay your bond or not.

19 Now, let me ask each of you: Do either of you
20 own your own home or any land or property? Land or
21 buildings, I should say.

22 THE DEFENDANT: No.

23 THE COURT: Do either of you have over \$500 in
24 any bank account that you have access to or in your jail
25 commissary account?

1 THE DEFENDANT: No.

2 THE COURT: All right. Then based on that
3 information, I find that you do qualify for an appointed
4 lawyer.

5 Let me ask either of you: Were either of you
6 accompanied by a minor sibling or minor children?

7 THE DEFENDANT: My son.

8 THE COURT: How old is your son, Ms. Vasquez?

9 THE DEFENDANT: 13 years old.

10 THE COURT: And you were separated from your
11 son at the time of your -- of your arrest; is that
12 correct?

13 THE DEFENDANT: I was separated from my son at
14 immigration.

15 THE COURT: All right. Did the --

16 THE DEFENDANT: Right now I don't know anything
17 about him.

18 THE COURT: Did the authorities provide you
19 with any information as to how to contact either your
20 son or the agency that's holding your son?

21 THE DEFENDANT: They only said that he was with
22 the camps and that, probably, yesterday, that is
23 Wednesday, I would be able to know more about him.

24 THE COURT: Were you given any information, a
25 contact number of somewhere you could call or somebody

1 could call on your behalf to determine the well-being or
2 the whereabouts of your child?

3 THE DEFENDANT: No. I wasn't told anything.
4 They just said in their camps.

5 THE COURT: And were you given any paperwork in
6 this respect?

7 THE DEFENDANT: No. They didn't say anything.
8 I was told that he was going to be taken to a place
9 where they put minors, and then I was taken somewhere
10 else.

11 THE COURT: All right. Ms. Vasquez, I'm
12 appointing you a lawyer to represent you in this
13 criminal charge. But make sure that when you talk to
14 your lawyer -- your lawyer should be out to see you
15 hopefully tomorrow, but it could be early next week --
16 that you discuss this with your lawyer, and your lawyer
17 might be able to give some assistance in terms of trying
18 to get some information about the well-being or the
19 whereabouts of your child, all right?

20 THE DEFENDANT: I was only told that he was
21 going to be taken to where the government puts them and
22 that he was going to be okay. That's all I was told.

23 THE COURT: All right. Just what I'm saying
24 is, you're going to have an attorney represent you on
25 these charges. I'm appointing you an attorney. Discuss

1 this issue about your child with the attorney, and your
2 attorney may be able to render some assistance to you in
3 terms of trying to just get some information on your
4 child, where they are and how they're doing, okay?

5 I'm sure it's a very --

6 THE DEFENDANT: Yes, because that's what I'm
7 worried about because -- not knowing anything about
8 him.

9 THE COURT: I would be very worried as well if
10 it was me. So I understand your worry and I understand
11 your frustration.

12 Hopefully, your attorney can help you out,
13 okay?

14 THE DEFENDANT: Okay.

15 THE COURT: I'm appointing the office of the
16 Federal Public Defender to represent you in this case.
17 The Office of the Federal Public Defender is a lawyers'
18 office of about 20 lawyers. One individual lawyer from
19 that office will be designated by that office to be your
20 attorney and will be by to see you here in the next day
21 or two. Actually, I wouldn't be see surprise if they
22 saw you tomorrow sometime.

23 Have you understood everything I've said,
24 Ms. Vasquez?

25 THE DEFENDANT: Yes.

1 (Proceedings continued but are not made a part
2 of this record)

3 THE COURT: Do each of you -- do either of you
4 have any questions?

5 (Proceedings continued but are not made a part
6 of this record)

7 THE COURT: And Ms. Vasquez?

8 THE DEFENDANT: Well, I would like to find out
9 where my son is. Is the attorney going to tell me, or
10 what's going to happen?

11 THE COURT: Your attorney is appointed to
12 represent you on this criminal charge. But given that
13 you have this concern, given that it can have an impact
14 in your case as to whether you decide to plead guilty or
15 not, since the government has your child, you can
16 discuss this with your attorney and hopefully your
17 attorney can give you some assistance, all right, in
18 terms of being able to locate the child.

19 Sometimes it can be a little bit of a
20 complicated question and calling several places or
21 whatever. But your attorney should be able to assist.

22 Do you understand?

23 THE DEFENDANT: All right.

24 THE COURT: All right. Very well. You can
25 have a seat, both of you.

1 (Proceedings continued but are not made a part
2 of this record)

3 THE COURT: Is there anybody here whose name I
4 did not call?

5 (No response)

6 THE COURT: All right. All of you will be
7 meeting with your attorney in the very near future. He
8 or she will discuss with you in detail everything that
9 we've talked about today.

10 In a few minutes, you are going to receive
11 written notice that your case has been set for its next
12 hearing. This written notice will contain the name and
13 contact information of your attorney should your family
14 need to contact an -- the attorney prior to your next
15 court hearing.

16 (Proceedings continued but are not made a part
17 of this record)

18 THE COURT: As to the rest of you -- as to all
19 of you, actually, I'm turning you over to the custody of
20 the U.S. Marshals, and we are in recess on these
21 cases.

22 (Proceedings concluded)

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1 CERTIFICATE OF ELECTRONIC RECORDING

2
3 I, Rhonda McCay, CSR, RPR, certify that the
4 foregoing is a correct transcription from the electronic
5 recording of the proceedings in the above-entitled
6 matter.

7 I further certify that I am neither counsel
8 for, related to, nor employed by any of the parties to
9 the action in which this electronic recording was taken,
10 and further that I am not financially or otherwise
11 interested in the outcome of the action.

12 Signed this 8th day of November, 2017.
13
14

15 /s/ Rhonda McCay_____
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